

pertaining to the Illinois River Watershed, regardless of age, should be granted") (emphasis added). In order to prepare its case the State needs information about Peterson's historic operations in the Illinois River Watershed in all its forms: documents, oral testimony, and interrogatory answers.

2. Information about Peterson's historic operations in the Illinois River Watershed is relevant

Peterson is also wrong to argue that the State has not shown the relevancy of information about Peterson's historic operations in the Illinois River Watershed to the State's claims. *See* Peterson Response, pp. 4-7. The fact of the matter is that the State has asserted claims arising out of both present and past injuries to its interests in the Illinois River Watershed caused by poultry waste for which Peterson is legally responsible. Indeed, since the inception of this lawsuit, the State has alleged:

Each of the Poultry Integrator Defendants has long known that the application of its poultry waste to lands within the IRW, in the amounts that it is applied and with the frequency that it is applied, far exceeds the capacity of the soils and vegetation to absorb those nutrients present in the poultry waste.

Each of the Poultry Integrator Defendants has long known that these poultry waste disposal practices lead to the run-off and release of large quantities of phosphorus and other hazardous substances, pollutants and contaminants in the poultry waste onto and from the fields and into the waters of the IRW.

Each of the Poultry Integrator Defendants has long known that the application of poultry waste to lands within the IRW causes large quantities of phosphorus and other hazardous substances, pollutants and contaminants to accumulate in the soils. At many locations, phosphorus and other hazardous substances, pollutants and contaminants have built up in the soil to such an extent that, even without any additional application of poultry waste to the land, the excess residual phosphorus and other hazardous substances, pollutants and contaminants will continue to run-off and be released into the waters of the IRW in the future.

See Complaint [DKT #2], ¶¶ 51-53; First Amended Complaint [DKT #18], ¶¶ 51-53.; Second Amended Complaint [DKT #1215], ¶¶ 50-52. Information about Peterson's historic operations

in the Illinois River Watershed is thus relevant to establishing (1) that past poultry waste land application has caused past contamination in the Illinois River Watershed, and (2) that past poultry waste land application is causing present contamination in the Illinois River Watershed.

Indeed, it should be remembered that the "relevance" threshold, for the purposes of discovery, is slight. Fed. R. Civ. P. Rule 26(b)(1) provides:

[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party. . . . Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.

(Emphasis added.) The State easily meets this undemanding standard of "relevance." At the very least, the State's requests for information about Peterson's historic operations in the Illinois River Watershed are "reasonably calculated to lead to the discovery of admissible evidence." And the relevancy of this historic information has been apparent from the beginning of this litigation.

Now, although the State maintains that the relevancy of information about Defendants' historic operations in the Illinois River Watershed was clear in its initial filings on this matter, *see* DKT #1120, the Court nonetheless deferred ruling on this issue pending the receipt of additional evidence. Specifically, in its July 6, 2007 Order [DKT # 1207], p. 2, the Court directed the two sides to provide "expert testimony on the impact of chicken waste application in the distant past upon the current condition of the watershed." Consistent with this directive, in support of its contention as to the relevancy of this information, the State attached to its Motion the affidavit of Shanon J. Phillips, Assistant Division Director of Water Quality Division of the Oklahoma Conservation Commission. *See* Ex. 1 to State's Motion, DKT #1418. While providing absolutely no counter-evidence in support of its position, Peterson nonetheless

criticizes the fact that the State has "only" provided an affidavit in support of its position that information about Peterson's historic operations in the Illinois River Watershed is relevant.

The affidavit of Ms. Phillips is, however, directly responsive to the question posed by the Court. In her affidavit, Ms. Phillips states that "a significant amount of the current pollutants affecting the water quality [of the Illinois River Watershed] may be attributable to events which occurred more than five years ago, but may just now be manifested in the form of water quality problems." Phillips Aff., ¶ 2. Ms. Phillips further states that "[i]t is important to note that activities which occurred in previous decades may only now be impacting water quality in the river. The reason for this is that phosphorus readily binds to soil particles where it may remain sequestered away from streams. However, heavy rainfall, road building, construction, soil tillage or other activities may dislodge these soil particles and deliver them to a stream." Phillips Aff., ¶ 9. And Ms. Phillips concludes that "[b]ased upon my review of the information available, it is clear that the past application of poultry waste to soils in the watershed has contributed to the historical water quality problems in the watershed. Moreover, these historical [poultry waste] applications are also contributing to the current and ongoing degradation in these systems." Phillips Aff., ¶ 9 (emphasis added).

Tellingly, despite having had nearly three years to respond to the contention in the State's Complaint, despite having had three months to respond to Ms. Phillips' affidavit, and despite having deposed Ms. Phillips on January 17, 2008, the State's contention, supported by Ms. Phillips' affidavit, stands wholly un rebutted. Defendants, including Peterson, have provided no counter-evidence as directed by the Court "on the impact of chicken waste application in the distant past upon the current condition of the watershed." Defendants, including Peterson, have

not done so because they cannot. The relevancy of this information is thus indisputably established.¹

In its Response, pp. 6-7, Peterson next sets forth a list of exemplar discovery topics pertaining to Peterson's operations in the Illinois River Watershed that it erroneously contends are "facially overbroad" due to the lack of any temporal restriction. A review of these discovery topics reveals, however, that they are highly relevant and that therefore Peterson's conclusory characterization of them as "facially overbroad" is unfounded. Taking each of them in turn:

- The request for documents and materials relating to grower contracts since 1970, RFP 1, is relevant to showing, without limitation, the historic locations of Peterson's poultry operations, where the poultry waste from those operations was disposed of (since disposal generally occurs in close proximity to the operations) and the degree of control that Peterson historically exercised over its operations.
- The request for documents related to poultry feed, without time limitation, RFP 2, is relevant to showing, without limitation, the historic constituents of and amount of poultry feed consumed at Peterson's poultry operations and, in turn, the constituents of and amount of poultry waste generated at Peterson's operations.

¹ Additionally, as to the issue of past poultry waste land application causing past contamination in the Illinois River Watershed, Peterson continues to assert that this issue is not before the Court. *See* Peterson Response, p. 4, fn. 3. Peterson is wrong. In its Motion, the State has again explained that the statute of limitations under Oklahoma law does not run against the State when it is acting, as is the case here, in its sovereign capacity to enforce a public right, and therefore a statute of limitation does not bar discovery of this otherwise relevant information. *See State v. Tidmore*, 674 P.2d 14, 15 (Okla. 1983) ("We have long-recognized the general rule that statutes of limitations do not operate against the state when it is acting in its sovereign capacity to enforce a public right") (citations omitted); *Oklahoma City Municipal Improvement Authority v. HTB, Inc.*, 769 P.2d 131, 134 (Okla. 1988) ("From these cases we distill the general rule that statutes of limitation shall not bar suit by any government entity acting in its sovereign capacity to vindicate public rights, and that public policy requires that every reasonable presumption favor government immunity from such limitation"). While the State is cognizant that the Court did not rule on this statute of limitations issue in its July 6, 2007 Order, unless and until the Court does rule adversely to the State on this affirmative defense (a ruling which would be legally erroneous), the State's claim for past injuries caused by past poultry waste land application in the Illinois River Watershed must be viewed as a viable claim, and discovery into Peterson's historic operations in the Illinois River Watershed must be allowed. To deny discovery of this information to the State would be contrary to Fed. R. Civ. P. 26(b)(1).

- The request for documents related to feed supplements, without time limitation, RFP 3, is relevant to showing, without limitation, the historic constituents of poultry feed consumed at Peterson's poultry operations and, in turn, the constituents of poultry waste generated at Peterson's operations.
- The request for documents related to medications or vaccinations given to chickens, without time limitation, RFP 5, is relevant to showing, without limitation, the historic constituents consumed at Peterson's poultry operations and, in turn, the constituents of poultry waste generated at Peterson's operations. It is also relevant to showing Peterson's historic awareness of microbial pathogens associated with poultry operations.
- The requests for documents relating to the use, handling and storage of poultry litter, without time limitation in the IRW, RFP 40, 41, 46, 47, 49 & 50, are relevant to showing, without limitation, how the poultry waste from Peterson's poultry operations was historically handled and disposed of, where it historically was disposed of, and the degree of control that Peterson historically exercised over the handling and disposal of the poultry waste. It is also relevant to showing Peterson's historic awareness of the issues and problems associated with the disposal of poultry waste.
- The requests for documents relating to the transport of poultry litter in the IRW, without time limitation, RFP 55 & 56, are relevant to showing, without limitation, how the poultry waste from Peterson's poultry operations was historically handled, where it was historically disposed of, and the degree of control that Peterson historically exercised over the handling and disposal of the poultry waste. It is also relevant to showing Peterson's historic awareness of the issues and problems associated with the disposal of poultry waste.
- The request for documents relating to the alternative uses for poultry litter in the IRW, without time limitation, RFP 70, is relevant to showing, without limitation, Peterson's historic awareness of the issues and problems associated with the disposal of poultry waste.
- The requests for documents relating to the amount of poultry litter generated in the IRW, without time limitation, RFP 73, 74 & 75, are relevant to showing, without limitation, how much poultry waste Peterson's poultry operations generated in the IRW.
- The request for documents related to the design, specifications, construction and maintenance of poultry houses in the IRW, without time limitation, RFP 77, is relevant to showing, without limitation, the degree of control that Peterson historically exercised over its poultry operations.
- The requests for documents relating to statements or instructions to poultry growers pertaining to raising chickens in the IRW, without time limitation, RFP 79 & 80, are relevant to showing, without limitation, the degree of control that Peterson historically exercised over its poultry operations.

- The request for documents relating to guides or handouts provided to poultry growers in the IRW, without time limitation, RFP 85, is relevant to showing, without limitation, the degree of control that Peterson historically exercised over its poultry operations. It is also relevant to showing Peterson's historic awareness of the issues and problems associated with the disposal of poultry waste.
- The request for documents relating to site visits to poultry growing operations in the IRW, without time limitation, RFP 86, is relevant to showing, without limitation, the degree of control that Peterson historically exercised over its poultry operations. It is also relevant to showing Peterson's historic awareness of the issues and problems associated with the disposal of poultry waste.

There is no denying the relevance of these documents. In fact, even Peterson does not attempt to argue that they are irrelevant. It merely argues that it would be required to produce a large number of responsive materials.

Simply put, Peterson's continuing resistance to producing historical information about its operations in the Illinois River Watershed is nothing but an improper effort to avoid being held accountable for the past injuries its past conduct has caused, as well as to avoid being held accountable for the present injuries its past conduct has caused. The sought-after information is plainly "relevant to the claim" of the State and thus is discoverable under Fed. R. Civ. P. 26(b)(1). Accordingly, to deny discovery of this information to the State would be contrary to Fed. R. Civ. P. 26(b)(1).

3. Peterson has come forward with no evidence that the costs of providing the information about Peterson's historic operations in the Illinois River Watershed outweigh the probative value of that information

In its July 6, 2007 Order, p. 2, the Court also stated that "[e]ven if the court should determine that such evidence is relevant, additional testimony would be needed to determine whether the costs of producing such documents outweighs their probative value." Peterson, however, has come forward with no evidence that the costs of producing such documents

outweigh their probative value. As explained in *Horizon Holdings, LLC v. Genmar Holdings, Inc.*, 209 F.R.D. 208, 212 (D. Kan. 2002):

As the party resisting discovery, Defendants have the burden to show facts justifying their objection by demonstrating that the time or expense involved in responding to requested discovery is unduly burdensome. This imposes an obligation to provide sufficient detail and explanation about the nature of the burden in terms of time, money and procedure required to produce the requested documents. Defendants have submitted no explanation, let alone an affidavit or other proof, demonstrating that responding to these Requests would impose an undue burden. The Court will not speculate that the requested discovery causes undue burden; therefore, Defendant's objection with regard to undue burden will be overruled.

(Citation omitted.) Unsubstantiated claims of burden by Peterson, therefore, should not be credited.

4. Peterson's proposal to narrow the scope of its production of documents pertaining to its historic operations in the Illinois River Watershed is improper

Even though it has not even produced exemplar files or provided lists of the types of documents in its historical files to the State, Peterson proposes that the State nevertheless specify precisely which historic documents the State wants from Peterson's files. Peterson's proposal would turn the principles of discovery on their head. The State has already propounded narrowly-tailored requests for production, and those requests for production seek relevant documents. *See, supra*, Section 2. To suggest that the State is under some obligation to further narrow its requests for production without first having a clearer sense of what documents are available would be patently unreasonable and would severely prejudice the State in its trial preparation. Contrary to Peterson's suggestion, the State does need Peterson "to provide [it] a list of forms and documents" if any further narrowing of the State's requests for production is to be accomplished.

It is no answer for Peterson to state that by virtue of reviewing Peterson's current files the State knows what is contained in Peterson's historic files. Both the form and content of record-keeping changes over time. Thus the State needs information about the actual content of Peterson's historic files before it can determine whether any further narrowing is or is not appropriate. Nor does Peterson's suggestion that the State should be knowledgeable about Peterson's historical files by virtue of its 30(b)(6) deposition of Peterson hold any credence. As this Court may recall, the failure of Peterson to produce a properly prepared designee and the improper conduct of Peterson's counsel at that deposition led the State to bring a motion to compel, *see* DKT #1250, which was largely granted. *See* DKT #1336.

In short, because Peterson was unwilling to work cooperatively with the State and provide it with the information the State needed to see if any further narrowing of its requests for production could be accomplished (*e.g.*, lists of types of historic documents and exemplars of those historic documents), the State could not as a practical matter further narrow its requests. This has resulted in delay that is severely prejudicial to the State. The historic documents the State has requested are relevant, and Peterson should produce them.²

Conclusion

For all the reasons set forth in the State's Motion and above, the State's Motion to Expand the Discovery Period to include all responsive information pertaining to the Illinois River Watershed, regardless of its age, should be granted.

² Additionally, of course, Peterson needs to update its interrogatory responses without temporal limitation and present 30(b)(6) designees fully knowledgeable about Peterson's historic operations in the Illinois River Watershed.

Respectfully Submitted,

W.A. Drew Edmondson OBA # 2628
ATTORNEY GENERAL
Kelly H. Burch OBA #17067
J. Trevor Hammons OBA #20234
Tina Lynn Izadi OBA #17978
Daniel P. Lennington OBA #21577
ASSISTANT ATTORNEYS GENERAL
State of Oklahoma
313 N.E. 21st St.
Oklahoma City, OK 73105
(405) 521-3921

s/Robert A. Nance

M. David Riggs OBA #7583
Joseph P. Lennart OBA #5371
Richard T. Garren OBA #3253
Douglas A. Wilson OBA #13128
Sharon K. Weaver OBA #19010
David P. Page OBA #6852
Robert A. Nance OBA #6581
D. Sharon Gentry OBA #15641
RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS
502 West Sixth Street
Tulsa, OK 74119
(918) 587-3161

Louis W. Bullock OBA #1305
Robert M. Blackmore OBA #18656
BULLOCK BULLOCK & BLAKEMORE
110 West Seventh Street Suite 707
Tulsa OK 74119-1031
(918) 584-2001

Frederick C. Baker
(admitted *pro hac vice*)
Lee M. Heath
(admitted *pro hac vice*)
Elizabeth C. Ward
(admitted *pro hac vice*)
Elizabeth Claire Xidis
(admitted *pro hac vice*)
MOTLEY RICE, LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29465
(843) 216-9280

William H. Narwold
(admitted *pro hac vice*)
Ingrid L. Moll
(admitted *pro hac vice*)
MOTLEY RICE, LLC
20 Church Street, 17th Floor
Hartford, CT 06103
(860) 882-1676

Jonathan D. Orent
(admitted *pro hac vice*)
Michael G. Rousseau
(admitted *pro hac vice*)
Fidelma L. Fitzpatrick
(admitted *pro hac vice*)
MOTLEY RICE, LLC
321 South Main Street
Providence, RI 02940
(401) 457-7700

Attorneys for the State of Oklahoma

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 2008, I electronically transmitted the above and foregoing pleading to the Clerk of the Court using the ECF System for filing and a transmittal of a Notice of Electronic Filing to the following ECF registrants:

W. A. Drew Edmondson, Attorney General	Fc_docket@oag.state.ok.us
Kelly H. Burch, Assistant Attorney General	kelly_burch@oag.state.ok.us
J. Trevor Hammons, Assistant Attorney General	trevor_hammons@oag.state.ok.us
Tina Lynn Izadi, Assistant Attorney General	tina_izadi@oag.state.ok.us
Daniel P. Lennington, Assistant Attorney General	daniel.lennington@oag.ok.gov
M. David Riggs	driggs@riggsabney.com
Joseph P. Lennart	jlennart@riggsabney.com
Richard T. Garren	rgarren@riggsabney.com
Douglas A. Wilson	doug_wilson@riggsabney.com
Sharon K. Weaver	sweaver@riggsabney.com
David Page	dpage@riggsabney.com
Robert A. Nance	rnance@riggsabney.com
D. Sharon Gentry	sgentry@riggsabney.com
RIGGS, ABNEY, NEAL, TURPEN, ORBISON & LEWIS	
Louis W. Bullock	lbullock@bullock-blakemore.com
Robert M. Blakemore	rblakemore@bullock-blakemore.com

BULLOCK BULLOCK & BLAKEMORE

Frederick C. Baker	fbaker@motleyrice.com
Lee M. Heath	lheath@motleyrice.com
Elizabeth C. Ward	lward@motleyrice.com
Elizabeth Claire Xidis	cxidis@motleyrice.com
William H. Narwold	bnarwold@motleyrice.com
Ingrid L. Moll	imoll@motleyrice.com
Jonathan D. Orent	jorent@motleyrice.com
Michael G. Rousseau	mrrousseau@motleyrice.com
Fidelma L. Fitzpatrick	ffitzpatrick@motleyrice.com
MOTLEY RICE, LLC	
Counsel for State of Oklahoma	

Robert P. Redemann	rredemann@pmrlaw.net
Lawrence W. Zeringue	lzingue@pmrlaw.net
David C. Senger	dsenger@pmrlaw.net
PERRINE, MCGIVERN, REDEMANN, REID, BARRY & TAYLOR, P.L.L.C.	

Robert E Sanders	rsanders@youngwilliams.com
Edwin Stephen Williams	steve.williams@youngwilliams.com
YOUNG WILLIAMS P.A.	
Counsel for Cal-Maine Farms, Inc and Cal-Maine Foods, Inc.	

John H. Tucker	jtucker@rhodesokla.com
Theresa Noble Hill	thill@rhodesokla.com
Colin Hampton Tucker	ctucker@rhodesokla.com
Leslie Jane Southerland	ljsoutherland@rhodesokla.com
RHODES, HIERONYMUS, JONES, TUCKER & GABLE	

Terry Wayen West	terry@thewestlawfirm.com
THE WEST LAW FIRM	

Delmar R. Ehrich	dehrich@faegre.com
Bruce Jones	bjones@faegre.com
Dara D. Mann	dmann@faegre.com
Krisann C. Kleibacker Lee	kklee@faegre.com
Todd P. Walker	twalker@faegre.com
FAEGRE & BENSON, LLP	
Counsel for Cargill, Inc. & Cargill Turkey Production, LLC	

James Martin Graves	jgraves@bassettlawfirm.com
Gary V Weeks	gweeks@bassettlawfirm.com

Paul E. Thompson, Jr
Woody Bassett
Jennifer E. Lloyd
BASSETT LAW FIRM

pthompson@bassettlawfirm.com
wbassett@bassettlawfirm.com
jlloyd@bassettlawfirm.com

George W. Owens
Randall E. Rose
OWENS LAW FIRM, P.C.
Counsel for George's Inc. & George's Farms, Inc.

gwo@owenslawfirm.com
rer@owenslawfirm.com

A. Scott McDaniel
Nicole Longwell
Philip Hixon
Craig A. Merkes
MCDANIEL, HIXON, LONGWELL & ACORD, PLLC

smcdaniel@mhla-law.com
nlongwell@mhla-law.com
phixon@mhla-law.com
cmerkes@mhla-law.com

Sherry P. Bartley
MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, PLLC
Counsel for Peterson Farms, Inc.

sbartley@mwsgw.com

John Elrod
Vicki Bronson
P. Joshua Wisley
Bruce W. Freeman
D. Richard Funk
CONNER & WINTERS, LLP
Counsel for Simmons Foods, Inc.

jelrod@cwlaw.com
vbronson@cwlaw.com
jwisley@cwlaw.com
bfreeman@cwlaw.com
rfunk@cwlaw.com

Stephen L. Jantzen
Paula M. Buchwald
Patrick M. Ryan
RYAN, WHALEY, COLDIRON & SHANDY, P.C.

sjantzen@ryanwhaley.com
pbuchwald@ryanwhaley.com
pryan@ryanwhaley.com

Mark D. Hopson
Jay Thomas Jorgensen
Timothy K. Webster
Thomas C. Green
Gordon D. Todd
SIDLEY, AUSTIN, BROWN & WOOD LLP

mhopson@sidley.com
jjorgensen@sidley.com
twebster@sidley.com
tcgreen@sidley.com
gtodd@sidley.com

Robert W. George
Michael R. Bond
Erin W. Thompson

robert.george@kutakrock.com
michael.bond@kutakrock.com
erin.thompson@kutakrock.com

KUTAK ROCK, LLP

Counsel for Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., & Cobb-Vantress, Inc.

R. Thomas Lay
KERR, IRVINE, RHODES & ABLES

rtl@kiralaw.com

Jennifer Stockton Griffin
David Gregory Brown
LATHROP & GAGE LC
Counsel for Willow Brook Foods, Inc.

jgriffin@lathropgage.com

Robin S Conrad
NATIONAL CHAMBER LITIGATION CENTER

rconrad@uschamber.com

Gary S Chilton
HOLLADAY, CHILTON AND DEGIUSTI, PLLC
Counsel for US Chamber of Commerce and American Tort Reform Association

gchilton@hcdattorneys.com

D. Kenyon Williams, Jr.
Michael D. Graves
Hall, Estill, Hardwick, Gable, Golden & Nelson
Counsel for Poultry Growers/Interested Parties/ Poultry Partners, Inc.

kwilliams@hallestill.com
mgraves@hallestill.com

Richard Ford
LeAnne Burnett

richard.ford@crowedunlevy.com
leanne.burnett@crowedunlevy.com

Crowe & Dunlevy
Counsel for Oklahoma Farm Bureau, Inc.

Kendra Akin Jones, Assistant Attorney General
Charles L. Moulton, Sr Assistant Attorney General
Jessica E. Rainey
Barry G. Reynolds
TITUS HILLIS REYNOLD LOVE
DICKMAN & McCALMON

Kendra.Jones@arkansasag.gov
Charles.Moulton@arkansasag.gov
jraine@titushillis.com
reynolds@titushillis.com

William S. Cox, III
Nikaa Baugh Jordan
LIGHTFOOT, FRANLIN & WHITE

wcox@lightfootlaw.com
njordan@lightfootlaw.com

Counsel for American Farm Bureau Federation and the National Cattlemen's Beef Association

John D. Russell
FELLERS, SNIDERS, BLAKENSHIP,
BAILEY & TIPPENS, P.C.

jrussell@fellerssnider.com

William A. Waddell, Jr.
David E. Choate
FRIDAY, ELDREDGE & CLARK, LLP
Counsel for Amicus Curiae Arkansas Farm Bureau Federation

waddell@fec.net
dehoate@fec.net

Mia Vahlberg
GABLE GOTWALS

mvahlberg@gablelaw.com

Adam J. Siegel
James T. Banks
HOGAN & HARTSON, LLP
Counsel for National Chicken Counsel, U.S. Poultry & Egg Association and National Turkey Federation (collectively "Amici Curiae")

ajsiegel@hhlaw.com
jtbanks@hhlaw.com

M. Richard Mullins
MCAFEE & TAFT
Counsel for Texas Farm Bureau, Texas Cattle Feeders Association Texas Pork Producers Association and Texas Association of Dairymen

richard.mullins@mcafeetaft.com

Also on this 4th day of April, 2008, I mailed a copy of the above and foregoing pleading to the following:

David Gregory Brown
Lathrop & Gage, LC
314 E. High Street
Jefferson City, MO 65101

Thomas C. Green
Sidley Austin Brown & Wood, LLP
1501 K St. NW
Washington, DC 20005

Cary Silverman
Victor E. Schwartz
Shook Hardy & Bacon LLP
600 14th St. NW, Ste. 800
Washington, DC 20005-2004

C. Miles Tolbert

Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118

Gary V. Weeks

Bassett Law Firm
P.O. Box 3618
Fayetteville, AR 72702

Dustin McDaniel

Justin Allen

Office of the Attorney General (Little Rock)
323 Center Street, Suite 200
Little Rock, AR 72201-2610

s/Robert A. Nance

Robert A. Nance